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not, that one brought up as an apprentice in the trade of a goldsmith, cutler, etc., being a freeman of London, by colour thereof may use any other manual trade; but one of a trade who useth buying and selling, may exercise another trade of buying and selling.¹⁷

A similar case the same year was decided in similar fashion.¹⁸ Apparently London was more lenient toward promiscuous trading than toward promiscuous manufacture.

Even against those who were not of the freedom it was not always easy for the townsmen to enforce monopoly,¹⁹ particularly where foreign merchants were accorded special privileges by the king.²⁰ But against those who lacked the franchise the municipal governments at least presented a solid front.²¹ Admission to the freedom of London signified admission to what was, in the essential matter of monopoly, a *Gilda Mercatoria*,²² whether or not it was called by that name. Against those freemen who wished to trade in the goods of misteries other than those to which they belonged, the individual gild might try to establish its monopoly; but the custom of buying and selling freely was never completely destroyed by these efforts. I have not attempted to determine whether the tendency rested on a legal basis in other towns than London; certain it is, however, that intermeddling of the character described was not confined to the metropolis. Even if it be admitted that the monopoly of the individual gild was the rule—a matter by no means completely established—the variations from it are too important to be neglected.

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THE ENGLISH RECUSANTS AND THE SPANISH ARMADA

THERE is a widespread and quite inexplicable misapprehension as to the part taken by the English Recusants in the preparation for defense made by England at the time of the approach of the Spanish Armada. It is asserted that in 1588 England, in response to the government's call for defenders against the threatened Spanish invasion, rose as one man, that Catholics fought side by side with

¹⁷ Cro. Car. 361, 10 Car. I. (Croke, *English Reports*).

¹⁸ *Ibid.*, pp. 516–517. *Appleton v. Stoughton*.

¹⁹ Sharpe, *Cal. Letter-Books, Letter-Book C*, pp. 19–20; *ibid.*, *Letter-Book E*, p. 13; *ibid.*, *Letter-Book H*, pp. 135, 449; Riley, *Memorials*, pp. 354, 468, 561; etc.

²⁰ Sharpe, *Cal. Letter-Books, Letter-Book D*, p. 225; *ibid.*, *Letter-Book F*, p. 14; *ibid.*, *Letter-Book G*, introduction, p. xiii; *ibid.*, *Letter-Book I*, p. 54, etc.

²¹ *Ibid.*, *Letter-Book D*, introduction, pp. ii–iii.

²² “The Gild was the department of town administration whose duty was to maintain and regulate the trade monopoly. This was the *raison d'être* of the Gild Merchant of the twelfth and thirteenth centuries.” Gross, *Gild Merchant*, I. 43.

Protestants, that the bitter religious animosities of a half-century were forgotten, that the Lord High Admiral, the commander of the victorious English fleet, was himself an adherent of the Catholic faith. These statements are not based on satisfactory historical evidence; in fact the evidence forces one to an entirely opposite conclusion. Recusants were not enrolled in the English armies; they did not help man the English fleets; the Lord Admiral was not a Catholic. Whatever may have been the loyalty of the recusant portion of the population, the government, its very existence threatened by the foremost Catholic power of Europe, and fearful of the possibility of disaffection at home, denied to them the opportunity to serve the nation in the time of crisis.

The tradition that Admiral Howard was a Roman Catholic seems to have grown up at some much later time. Every contemporary indication is against it. He is known to have served frequently on commissions for the apprehension of Recusants. He took part in all the anti-Catholic governmental action of the period. There is in his whole career no contemporary record of any charge of nonconformity being brought against him, nor any evidence of his sympathy with the Catholics in their persecutions.¹ So strong is this cumulative evidence that unless some new and surprising body of material should be discovered to offset it, historians should not continue to picture Howard of Effingham as the protagonist of the Catholic patriots, the leader who, placing patriotism above religious conviction, led thousands of his co-religionists to the defense of the kingdom.

It is necessary at this point to give brief consideration to the general situation of these "co-religionists". As compared with the policies of Continental countries toward those of their inhabitants who dissented in religious matters, Elizabeth's treatment of the English Recusants cannot be considered to have been severe. Toward the Jesuits and seminary priests the governmental policy was rigid and unsparing, but this was due to the suspected political nature of their activities, not to their religious convictions. Toward the great mass of English Catholics, those who were not actually engaged in plotting for the overthrow of the government or the restoration of papal authority, Elizabeth's policy was one of surveillance rather than persecution. Punishment for non-attendance at the English Church was for the most part limited to the payment of fines. Recusancy was to be required to pay the expense caused by its own

¹ Cheyney, *History of England from the Defeat of the Armada to the Death of Elizabeth*, I. 43.

existence as a government problem, and if possible a little more—a typically Tudor attitude toward the subject.²

It is not to be inferred, however, that the comparative leniency of Elizabeth's government toward the Catholics was indicative of confidence in them. The constant surveillance which the government felt it necessary to maintain is a definite indication to the contrary. Lists of the Recusants living in each county were compiled and record kept of the financial condition of these individuals. At times of special stress directions were sent by the Privy Council that particular watchfulness be exercised.³ Typical of the government's attitude is a letter sent by the Council to the lieutenants of Sussex at the time of the general preparation to resist the Spanish invasion. This letter, referring to those of Her Majesty's subjects who "most obstinately have refused to come to the church to prayers and divine service", states that "it is hardly adventured to repose that trust in them which is to be looked for in her other good subjects". The document proceeds to point out that "it is also certaine that such as should meane to invade the realme would never attempt the same, but uppon hope (which the fugitives and rebels abroad do give and assure them) of those bad members that alreadie are known to be recusants."⁴

This being the general attitude of the Privy Council, it is not surprising to find that as the danger of invasion from Spain became imminent the government should have taken steps to remove from among the soldiery those whose religious sentiments opened them to suspicion of disloyalty. At the same time provision was made to prevent the inclusion of Recusants in the new troops being organized. For the accomplishment of these purposes positive instructions were sent to muster-masters that the Oath of Supremacy should be administered to all officers and soldiers.⁵ This oath of repudiation of the pope's authority was designed to test the loyalty of all who had enlisted. The same attitude on the part of the government is evidenced in the special instructions sent to the commissioners in Lancashire, that "none suspected in religion have the chardge of any number of soldiaurs".⁶ Obviously if Catholics were to help resist the threatened invasion it would have to be in despite of government and conscience.

² Merriman, "Some Notes on the Treatment of the English Catholics in the Reign of Elizabeth", *American Historical Review*, XIII. 480 ff.

³ *Acts of the Privy Council*, *passim*.

⁴ The Council to the Lieutenants of Sussex, January 4, 1587/8, in Wright, *Queen Elizabeth and her Times*, II. 358.

⁵ Hist. MSS. Comm., *Rept. XV.*, app., pt. V., *Foljambe MSS.*, pp. 22-23.

⁶ *Id.*, *Rept. XIV.*, app., pt. IV., *Kenyon MSS.*, p. 594.

But the Privy Council went still further. It was not held sufficient to keep Recusants out of the army. As private persons they might be a very real source of danger in the day of trial. To prevent any such possibility it was decided that all Recusants should be disarmed. As early as March, 1585, we have a note in Lord Burghley's writing in which reference is made to a general muster and the disarming of the Recusants.⁷ In 1586 definite steps were taken toward this end. Orders were sent into the counties directing the justices of the peace to collect all arms and armor owned by Recusants and to keep the same in some safe place. This measure was not one of confiscation but rather of removing an element of danger until fear of invasion might pass away. Later, in 1588, when the invasion had taken definite form, the Council notified the lords lieutenant of all the counties that this armor which two years before had been sequestered should now be sold for a fair price to such of "her Majesty's well affected subjects" as were unfurnished. The money received was to be turned over to the original Recusant owners. The instructions further directed that all other armor remaining as yet in the possession of Recusants should be taken from them and converted to the same use.⁸

Up to this point the English Catholics, though disqualified for military service and deprived of arms and armor, had been secure in their persons. Now the government, probably actuated by the fear that the Spaniards having once landed might be re-enforced by this disaffected part of the population, took its third and most stringent step. The Privy Council decided to double its surveillance and to consign Recusants of note temporarily to prison. Orders to this effect were accordingly issued. The fact that the letters to the lieutenants of Sussex and Lincolnshire containing these directions are extant, and that we have direct evidence of the orders being carried out by the lieutenant of Derby, Stafford, and Nottingham, and by the City of London would indicate that the movement was not confined to any one locality; but that the orders were general.⁹ The instructions to the lieutenants of Sussex may be taken therefore to represent a government policy and as such merit examination.

After explaining the government's lack of confidence in the English Catholics in time of danger the letter continues,

⁷ Hist. MSS. Comm., *Salisbury MSS.*, III. 96.

⁸ *Acts of the Privy Council*, XVI. 38; Hist. MSS. Comm., *Rept.* XII., app., pt. IV., *Rutland MSS.*, p. 246.

⁹ The Council to the lieutenants of Sussex, January 4, 1587/8, Wright, *Queen Elizabeth and her Times*, II. 358; for London and Derbyshire, see *Rutland MSS.*, pp. 232, 238-239; for Lincolnshire, see Hist. MSS. Comm., *Rept.* XII., app., pt. I., *Cowper MSS.*, I. 8-9.

It is therefore thought meet in these doubtfull tymes, they should be looked to and restrayned, as they shall neither be able to give assistance to the enemye, nor that the enemye should have any hope of reliefe and succour by them. Wherefore her Majestie's pleasure is, your Lordship shall cause due enquirie to be made what number of recusants are in that countie, and what qualitie and abilitie they be of. Wherein such gentlemen as have been commissioners before in those matters, are able to instruct you. And therupon to cause the most obstinate and noted persons to be committed to such prysons as are fittest for their safe keeping. The rest that are of value, and not so obstinate, to be referred to the custodie of some ecclesiasticall persons and other gentlemen well affected, to remayne at the charges of the recusant, to be restrained in such sorte as they may be forthcoming, and kept from intelligence one with another.

The severe policy contained in these directions was rigidly carried into execution. A letter to the Earl of Rutland under date of December, 1587, contains a definite list of prominent Catholics and of the persons to whose custody they were assigned: "The Lord Vaux is committed to the Archbishop of Canterbury; Sir John Arundell to the Deane of Pawles; Sir Thomas Cornewallis to the Bishop of London; Sir Thomas Tresham to the Bishop of Lincoln; and so the other recusants of habite, severally comitted to the charge of severall persons."¹⁰ The fact that this letter was written in the month preceding the directions from the Council to the lieutenants of Sussex may either indicate an earlier stage in the carrying out of the new policy, or merely that the orders to all the counties were not issued at exactly the same time.

We have an interesting bit of evidence as to the carrying out of the Council's orders in Derbyshire. On January 29, the Earl of Shrewsbury, who was lord lieutenant of that county as well as of Stafford and Nottingham, sent an order to his deputies for the apprehension of all Recusants.¹¹ The letter to the deputies in Derbyshire contains a list of persons under suspicion. The date and purport of this communication indicate clearly that it was written in pursuance of the general instructions received by Shrewsbury from the Council. The deputies in this instance must have proceeded very promptly, for within a week (February 4) the lord lieutenant followed up his first order by another letter, evidently in reference to certain Recusants already apprehended. He says, "No protection can be allowed, the matter having been determined by the absolute letters of the Council. I cannot grant to these who have been arrested more liberty than my warrant yields to them."¹²

¹⁰ *Rutland MSS.*, p. 232.

¹¹ *Ibid.*, pp. 238-239.

¹² *Ibid.*

Similar evidence as to Lincolnshire leaves no doubt as to the enforcement of the government's severe policy in that county. Lord Burghley, lord lieutenant of Lincolnshire, had forwarded the Council's orders to his deputies. In carrying out these directions the deputy lieutenants were given grave concern by one John Thimelby, a prominent Recusant of Lincoln. They had required £300 bond of Thimelby, but he had unequivocally refused the condition which prohibited "conference with others of that sect". The deputies notified Burghley of the matter and informed him further that Thimelby "is now by the said deputies committed to the custody and safekeeping of Bartholomew Armin, Esquire . . . and in the mean time to have no conference or dealing willingly or wittingly with any other Recusant".¹³

There is no reason to believe that the policy so strenuously pursued in the spring of 1588 had been abandoned or relaxed when in July the Spanish fleet actually entered the English Channel. There is in fact direct evidence that the distrust and fear of the Recusants increased rather than diminished at the approach of the crisis.

On July 30, when the Armada, having failed to vanquish the English fleet, began its northward flight, Lord Shrewsbury wrote to John Manners concerning the urgent need for constant preparedness for an invasion that was still regarded as imminent. "Call before you the band of horsemen", the letter begins, "and see that they be completely furnished", and closes with the significant direction, "All those who have the custody of recusants must detain them close prisoners."¹⁴

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¹³ *Cowper MSS.*, I. 8-9, Willoughby and Thorold to Burghley, March 15, 1588.

¹⁴ *Rutland MSS.*, p. 256.